

# EXHIBIT A

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARIO H. CAPOGROSSO,

Plaintiff

-against-

**PLAINTIFF'S  
INTERROGATORIES and  
DEMAND FOR PRODUCTION  
OF DOCUMENTS**

Case No. CV-18-2710

ALAN GELBSTEIN, in his official and individual capacity;  
IDA TRASCHEN, in her official and individual capacity;  
DANIELLE CALVO, in her official and individual capacity;  
SADIQ TAHIR, in his individual capacity;  
PEC GROUP OF NY, INC.;  
DAVID SMART, in his individual capacity;  
JOHN AND JANE DOE, and  
DMV COMMISSIONER MARK SCHROEDER, in his official capacity

Defendants

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Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure, the Defendant David Smart shall answer, under oath, the following interrogatories, and produce copies of the following document within thirty (30) days of the service of this discovery request, at the Plaintiff's address listed herein

**DEFINITIONS AND INSTRUCTIONS**

1. The provisions of Local Rules 26.2, 26.3, 33.1 33.2 relating to he claims of privilege, uniform definitions, reference to records and interrogatories apply to and are to be

incorporated by reference.

2. Documents refer to any documents or electronically stored information ("ESI") in any form whatsoever in the possession, custody or control of the defendant that is used, has been used, or may be used relative Defendant's qualification for employment, promotion, transfer, compensation or disciplinary action. Documents also include any document or ESI in any form whatsoever in the possession, custody or control of a person, corporation, partnership or other entity that keeps or supplies a personnel record for the Defendant. Without limiting the foregoing, all of the following documents and/or ESI constitute part of the personnel records:
  - a) Defendant job application
  - b) Defendant's record or other form of employment inquiry
  - c) Defendant's offer of employment, promotion or transfer
  - d) Defendant's performance evaluation
  - e) documents or ESI concerning any disciplinary action taken against the defendant
  - f) termination notices and letters of rejection

Documents produced shall be Bates – stamped or otherwise numbered sequentially.

3. The answers to these interrogatories shall be promptly supplemented and amended as required by Rule 26e of the Federal Rules of Civil Procedure.
4. In the event an answer to any interrogatory is made by reference to records from which the answer may be derived, or ascertained, as permitted by Rule 33(d) of the Federal Rules of Civil Procedure, provide the information required by Local Rule 33.1 and make the documents or ESI referred to available for inspection and copying within fourteen (14) days after service for answers to these interrogatories as required by Local Rule 33.1(d)

**INTERROGATORIES AND REQUEST FOR PRODUCTION**

**Interrogatories**

**Defendant David Smart**

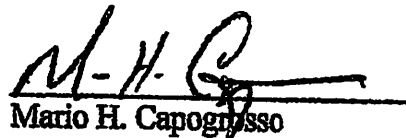
1. Identify your job title and description, as well as the starting and termination date for your employment at the Brooklyn South Traffic Violations Bureau (TVB) as located at 2875 West 8<sup>th</sup> Street Brooklyn NY.
2. Are you still currently working at the Brooklyn South TVB located at 2875 West 8<sup>th</sup> Street Brooklyn NY.
3. Who is your current employer while you are currently working at the Brooklyn South TVB.
4. Are you currently working at the Brooklyn South.
5. Who told you to approach me, plaintiff Mario H. Capogrosso, on the morning of May 11, 2105 and create the incident which resulted in my removal from the Brooklyn TVB.
6. Did defendant Alan Gelbstein, defendant Ida Traschen, defendant Danielle Calvo and/or Bushra Vahdat tell you to approach me on the morning of May 11, 2015 and create the incident which resulted in my removal form the Brooklyn TVB.
7. If the answer to any part of question 6 above is yes, which of the person or persons identified in question 6 told you to approach me, plaintiff Mario H. Capogrosso, on the morning on May 11, 2015 and when did such person or persons have such conversation with you.
8. What is your email address and telephone number so I may hold your remote electronic oral deposition via a Zoom deposition.

**Request for Production**

1. Produce all documents relating to any disciplinary action taken against you relating to your employment, whether it be by and employer, the Department of Motor Vehicles or any administrative law judge while you were or as currently working at the Brooklyn South TVB from your initial date of employment to the present time.

Dated: August 25, 2020  
New Rochelle, NY

Submitted,



Mario H. Capogrosso  
21 Sheldrake Place  
New Rochelle, NY 10804  
(914) 806-3692

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

MARIO H. CAPOGROSSO

Plaintiff

-against-

CV18-2710

ALAN GELBSTEIN, et. al

**AFFIRMATION OF SERVICE**

Defendants

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I, Mario H. Capogrosso, declare under penalty of perjury that I have served a copy of the attached Letter motion seeking discovery sanctions upon:

James Thompson, Esq.  
(representing Defendants  
Gelbstein, Traschen, Vahdat, Palmieri, Flanagan, Calvo,  
Prickett-Morgan, and Schroeder)  
Assistant Attorney General  
28 Liberty Street  
New York, NY 10005

Sadiq Tahir  
2994 Coney Island Avenue  
Brooklyn, NY 11235

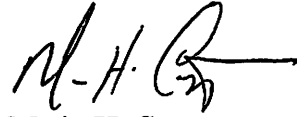
Pec Group of NY  
935 S. Lake Blvd. #7  
Mahopac, NY 10541

David Smart  
2875 West 8<sup>th</sup> Street  
Brooklyn, NY 11224

2355 Batchelder Street  
Apartment 3E  
Brooklyn, NY 11229

via U.S. Postal Service First Class Mail, this 19<sup>th</sup> day of February, 2021.

New Rochelle, NY  
February 19, 2021

A handwritten signature in black ink, appearing to read "M. H. Capogrosso", with a long horizontal stroke extending to the right.

Mario H. Capogrosso  
21 Sheldrake Place  
New Rochelle, NY 10804  
(914) 806-3692